



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain Plains
Region

1244 Speer Blvd.
Denver, CO
80204-3581

MAR 20 1998

Reply to
Attn. of: SP 98-13

Subject: Accuracy of Net Content Labeling of Dairy Products

To: STATE AGENCY DIRECTORS -Colorado ED, Iowa, Kansas,
(Child Nutrition Programs) Missouri ED, Montana OPI,
Nebraska ED, North Dakota,
South Dakota, Utah and
Wyoming ED

As you know, during 1997, the Food and Nutrition Service (FNS) participated with the Federal Trade Commission (FTC), National Institute of Standards and Technology (NIST) and State Weights and Measures in a survey conducted in 20 States on the accuracy of net content labeling of dairy and juice products in schools, other public outlets, dairies and retail outlets. A follow-up survey, which will focus on dairy products, is scheduled to begin March 23, 1998, and will continue throughout the first two weeks of April 1998. As in the first survey, State Weights and Measures personnel will test products in schools first, followed by retail outlets and dairies. We expect most States will participate in the follow-up survey. In addition, Puerto Rico and the Virgin Islands also plan to participate in the follow-up survey.

Since most States have procedures which require State weights and measures representatives to embargo products that are not accurately labeled, the possibility exists that if lots of milk tested in schools in the follow-up survey fail to contain the required minimum quantities, the tested lots of milk will not be available for use by the school. If this occurs, schools can be advised of the following:

1. The school is expected to comply with State restrictions placed on the sale or use of milk which was tested and failed to meet net content requirements.
2. If the school has sufficient quantities of milk from lots which were and passed inspection or milk from lots which were not tested to meet the school's meal service needs, the school should use that milk, even when the milk is only one type, for example, whole milk. FNS has determined that the meals served in this situation are eligible for reimbursement.

3. If the school does not have a sufficient quantity of milk available to meet meal service needs, the school should immediately contact the supplier of the milk or other possible supply sources and arrange for a replacement shipment.
4. If a replacement shipment cannot be obtained in time for use in the meal service, the school may offer a replacement beverage, such as juice, with the meals. FNS has determined that the meals served in this situation are eligible for reimbursement. The School should proceed to obtain adequate supplies of milk as soon as possible.
5. In no case, should the school suspend or restrict its meal service to children because some of their milk has been embargoed.

Please call me for additional information.



for
ANN C. DEGROAT
Regional Director
Child Nutrition Programs